

REMARKS

This Reissue Application and Reexamination proceeding involve an issued patent which is the subject of a pending infringement action in Federal District Court (Newark, New Jersey).

- 5 The issued patent is also the parent patent of currently-pending continuation-in-part application Serial No. 10/023,254; the Office is respectfully requested to coordinate these proceedings as the Office believes prudent.

- 10 A REPLACEMENT PRELIMINARY AMENDMENT was filed in Serial No. 10/613,590 on 08 Dec 2003. Applicant respectfully requests the Office replace the claim amendments recited in the REPLACEMENT PRELIMINARY AMENDMENT with this RULE 565(D) HOUSEKEEPING AMENDMENT. The DECISION *SUA SPONTE*, at page 4, says that “the patent owner must **not** address the issues of either of the proceedings in the housekeeping amendment.” Accordingly, Applicant continues to rely on the **REMARKS** included in the REPLACEMENT PRELIMINARY AMENDMENT (08 Dec 2003) to address the substantive issues of the case (*e.g.*, prior art, support
15 for claim terms in the Specification, definition of claim terms).

SUMMARY

The issued patent is the parent patent of currently-pending continuation-in-part application Serial No. 10/023,254; the Office is respectfully requested to coordinate these proceedings as the Office believes prudent.

5 The Applicant previously filed a RULE 178 STATEMENT (24 Nov. 2003), a COMMUNICATION surrendering the CERTIFICATE OF CORRECTION (26 Nov. 2003) and a REISSUE OATH (25 Nov. 2003). Enclosed find a REISSUE APPLICATION FEE TRANSMITTAL FORM and the appropriate fee for the reissue claims above those previously paid for. Applicant respectfully believes the application is in condition for prompt examination and allowance.

10 Respectfully submitted,



15 Mark POHL, Reg. No. 35,325
Pharmaceutical Patent Attorneys LLC
55 Madison Avenue, 4th floor (P 4014)
Morristown, NJ 07960-7397 USA
Direct Mark.Pohl@LicensingLaw.Net
☎ +1 (973) 984-0076

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,431,874 B1
DATED : August 13, 2002
INVENTOR(S) : Alexander G. Szynalski

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 12,

Lines 26-27 and 45, delete each occurrence of "an anti-smoking drug" and insert at each occurrence -- lobelia --.



Signed and Sealed this

Eighteenth Day of November, 2003

A handwritten signature in black ink, appearing to read "James E. Rogan", written over a horizontal line.

JAMES E. ROGAN
Director of the United States Patent and Trademark Office